

**REMARKS**

The Office Action mailed on March 26, 2007, and the subsequent Advisory Action mailed July 25, 2007, have been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-30 were pending. By this paper, Applicants do not cancel any claims, and add claims 31-35. Therefore, claims 1-35 are now pending.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

**Interview of September 24, 2007**

Examiner Hurley is thanked for extending the courtesy of an interview to Applicants' representative on September 24, 2007, where the paradigm of welding a strand of a load-bearing cord was discussed in general, and the feature of adjusting the lay length of the strand prior to welding was discussed in particular, and the framework for the above-amendments to the claims was agreed upon.

In view of the interview held on September 24, 2007, Applicants submit that the above provides a complete and proper recordation of the substance of the interview, per MPEP §713.04.

**Claim Rejections Under 35 U.S.C. §103(a)**

Applicants submit that in view of the requirements of MPEP §2143, the present claims are allowable. In order to advance prosecution, and without prejudice or disclaimer, Applicants have placed claims 6 and 27 into independent form (while eliminating some of the previous recitations of those claims and placing those recitations into new dependent claims), and made the amendments to independent claim 1 to specifically recite that the cord is a load bearing cord and that the strands are adapted to bear a tensile load. As was agreed during the

interview of September 24, 2007, Applicants hereby briefly reiterate their arguments as to why the present claims were not obvious.

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Applicants have developed a novel and non-obvious method of limiting wastage during the production of load bearing cords that permits use of a cord with a broken strand. The product is a load bearing cord as claimed in claim 1. The prior art has heretofore eschewed the inclusion of welded strands in load bearing cords. Indeed, the rejections are based on section 103 of the patent statute, thus evincing the novel nature of the product.

Specifically, as detailed in the specification, and as was discussed during the September 24<sup>th</sup> interview, the present inventors recognized that welds tend to substantially limit the elongation of a strand as compared to a non-welded strand (note the language of claim 1 placing requirements on the welded part regarding elongation at rupture).

Because a welded strand in a multi-strand cord will move along with the other non-welded strands in the cord (which have greater elongation characteristics), once the cord bears a load / is subjected to a tensile load, the weld will tend to break after a relatively small amount of elongation of the cord (the elongation being a result of the tensile load on the cord), because the elongation subjected to the entire cord is greater than the elongation that can be tolerated by the welded part of the strand.

Through their continuing efforts to improve the art, Applicants developed the innovative cord as claimed. The cord includes a weld with the relative elongation properties as claimed. The prior art does not teach such a load bearing cord, and it was not obvious to create such a cord. Without Applicants' innovative techniques, the ordinary artisan would have recognized that such a cord (assuming *arguendo* that they would have considered doing so in the first place) would have been unacceptable in a tensile load bearing situation. Accordingly, a load bearing cord according to claim 1 and the claims that depend from claim 1 was not obvious at the time of Applicants' invention.

The innovative technique that Applicants teach to produce the innovative cord includes adjusting the lay length of the strand that will have the welded part relative to another lay length of the metal cord. (Note the recitations of claims 6, 27-30, and 34.) This process is explicitly detailed at Fig. 5 of the application as filed, and the respective teachings in the specification. This process, which yields a cord according to any of the claims, and especially as recited in claims 6, 27-30 and 34, was not taught or suggested prior to the invention by Applicants, and the ordinary artisan would not have been motivated to modify prior processes to produce a cord as claimed, nor would the ordinary artisan have had a reasonable expectation of success had he or she been motivated (*arguendo*) to do so.

\* \* \* \* \*

In sum, the present claims are allowable, pursuant to any one of the criteria of MPEP §2143.

#### **Double Patenting**

Claims 1-19 were *provisionally* rejected under the judicially created doctrine of obviousness-type double patenting. Applicants acknowledge the provisional rejection, and submit that no further response is necessary, as the co-pending application has not yet issued as a patent, and the co-pending application was filed after the present application. Applicants cite MPEP §804(I.B) (which defines provisional rejections), as supporting their actions, and expect that the provisional rejection will be withdrawn from this application in the event that this application issues as a patent prior to the issuance of the cited copending applications.

Applicants also traverse this rejection for the reasons detailed in their Response of July 11, 2006, those reasons being incorporated herein by reference in their entirety.

#### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Hurley is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

Sep 25, 2007

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